

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
FETHERSTONHAUGH & CO.
Box 11560
Vancouver Centre
2200 - 650 W. Georgia Street
VANCOUVER, British Columbia
Canada, V6B 4N8

RECEIVED

PCT

2005 JAN 25 A WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

2200-650 WEST GEORGIA ST. (PCT Rule 43bis.1)
VANCOUVER, B.C.

Date of mailing 19 January 2005 (19-01-2005)
(date/month/year)

Applicant's or agent's file reference
83095-4

FOR FURTHER ACTION
See paragraph 2 below

International application no
PCT/CA2004/001504

International filing date (date/month/year)
20 August 2004 (20-08-2004)

Priority date (date/month/year)
22 August 2003 (22-08-2003)

International Patent Classification (IPC) or both national classification and IPC

Applicant STRATEGIC TECHNOLOGIES INC. ET AL

1. This opinion contains indications relating to the following items :

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input checked="" type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/
Commissioner of Patents
Canadian Patent Office
Box PCT, Ottawa/Gatineau K1A 0C9

Authorized office

Elaine Mikulova (819) 953-5206

Facsimile No. (819) 953-9538

Form PCT/ISA/237 (cover sheet) (January 2004)

due: June 22/05

done: June 21/05

DOCKET

OK
PLA to reply

DOC
PLA
OK

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/CA2004/001504

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language which it was filed, unless otherwise indicated under this item.

- ☐ This opinion has been established on the basis of a translation from the original language into the following language __, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of :

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments :

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/CA2004/001504

Box No. II Priority

1 ☒ The following document has not yet been furnished :

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2 ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purpose of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary :

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/CA2004/001504

Box No. V reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-114	YES
	Claims	none	NO
Inventive step (IS)	Claims	1-114	YES
	Claims	none	NO
Industrial applicability (IA)	Claims	1-114	YES
	Claims	none	NO

2. Citations and explanations :

The claimed invention relates to a method and apparatus for operating a monitoring unit in an electronic location monitoring system. The invention is intended to provide a remote monitory system capable of monitoring and tracking an incarcerated individual. The individual is allowed to stay at a permanent site outside the prison, to travel between the site and permitted locations and to remain within the permitted locations a predetermined amount of time. The invention provides a solution for monitoring the movement of the individual and detecting whether the individual remains inside the permitted location after he/she arrived to this particular location without wearing a bulky and heavy communication apparatus when inside the location. The solution according to the invention suggests the following: the incarcerated individual wears a transmitter (a mobile transmitter), which periodically transmits a beacon signal, and a monitoring unit apparatus which communicates to the transmitter. The monitoring unit apparatus is capable of generating a proximity signal indicating a distance between the monitoring unit apparatus and a reference position associated with a docking station near the permitted location. Furthermore, depending on the proximity signal the monitoring unit apparatus is capable of changing a signal reception threshold. The monitoring unit apparatus is configured to reject signals from the mobile transmitter that have a signal strength below the signal reception threshold and to receive signals from the mobile transmitter that have signal strength above the signal reception threshold. When arrived to the permitted location the individual can couple the monitoring unit apparatus to the docking station. At this point the monitoring unit apparatus decreases the signal reception threshold. Thus, the incarcerated individual can be monitored when within the permitted location since the sensitivity of the monitoring unit apparatus is increased allowing to receive weaker signals from the mobile transmitter.

Alternatively, two monitoring units, which switch signal reception from the mobile transmitter, can be used. The time when each monitoring unit is in receive mode depends on proximity of the monitoring units to each other. Since the first monitoring unit is a part of a mobile wireless communication appliance and the second monitoring unit is a part of a stationary communication appliance geographically located near the docking station, switching of their operation occurs when the incarcerated individual couples the wireless communication appliance to the docking station. Thus, the incarcerated individual can be monitored by the first monitoring unit when travelling between permitted sites, and by the second monitoring unit when within the particular permitted location.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/CA2004/001504

Box No. VIII

Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made :

Article 5 PCT

It appears that the phrase "... first monitoring unit 114 is **not** in proximity with the second ..." (description, page 34, line 4) should be "... first monitoring unit 114 is in proximity with the second ...".

Rule 10.2 PCT

Claims 1-11 refer to "a monitoring unit". It appears that the same element is referred to as "a monitoring unit apparatus" in the description. To provide consistency of terminology the same elements shall be referred to by the same terms through the application.

Rule 11.13(I) PCT

A stationary communication appliance denoted by the reference numeral 132 (description, page 31, line 26) is missing in Fig. 3.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/CA2004/001504

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of box V :

Reference is made to the following documents:

- D1: CA 2,332,576 (Otto et al.) 12 September 1999 (12-09-1999)
- D2: US 5,461,390 (Hoshen) 24 October 1995 (24-10-1995)
- D3: US 5,255,306 (Melton et al.) 19 October 1993 (19-10-1993)

Document D1 discloses a system and method for monitoring the location and presence of an object or person within a desired area. The system comprises a primary base location continuously monitoring a mobile transceiver associated with an object or an individual and a transportable remote base in communication both with the primary base location and the mobile individual. The system is capable of tracking the mobile individual to make sure that the individual is within a defined area around a mobile but determinable location.

Document D2 teaches a locator device for monitoring the location of subjects. The system periodically determines the location of the locator which is a small transceiver worn by the individual. The central computer determines then whether the individual is within a predetermined location. The system provides a degree of mobility for the monitored individual.

Document D3 discloses use of a cellular interface unit for an electronic house arrest system. A field monitoring device is positioned at the house arrest site for receiving a signal transmitted by an appliance worn by the arrestee. When the signal strength falls below a selected threshold the monitoring system determines that the arrestee has moved off the site and a cellular phone is used to alert the proper authorities at a central station.

None of the above references, taken alone or in combination, discloses a feature of continuous monitoring of the mobile individual both outside the allowed permanent site and within the particular permitted locations by using a monitoring unit apparatus which is capable of changing a signal reception threshold or by exploiting the first monitoring unit when travelling between permitted sites and the second monitoring unit when within the particular permitted location. Therefore, the claimed invention is novel (**Article 33(2) PCT**) and is considered to involve inventive steps (**Article 33(3) PCT**).

The claimed subject matter of claims 1-114 is considered to have industrial applicability (**Article 33(4) PCT**).